



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,538	04/22/1999	SYED S. ALI	ALI-23-3-11	8506

7590

04/24/2002

FARKAS AND MANELLI PLLC  
SEVENTH FLOOR  
2000 M STREET N W  
WASHINGTON, DC 200363307

EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/296,538

Applicant(s)

ALI ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 0199 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
2. Claims 1-4, 6, 12, 13, 15-18, 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Yaker US Patent 6,137,864.

Regarding claim 1, Yaker discloses a voice mail messaging system 100 in figure

1. The voice messaging system has a processor [controller] 20, a memory [voice message memory and deleted voice message memory] 108. Yaker teaches that when a user deletes a message, the message is retained for a certain period of time (column 3, lines 31-38). Inherently, when a message is deleted and retained, it is stored in the memory assigned to deleted messages [deleted message memory].

Regarding claim 2, Yaker discloses that the voice messaging system 100 is a local telephone answering machine (column 2, lines 15-16). A telephone answering machine inherently has a telephone line interface so that voice messages can be received over the telephone line.

Regarding claim 3, Yaker teaches that a deleted voice message can be retrieved (column 3, lines 31-38).

Regarding claim 4, Yaker teaches that the deleted voice message is only retained [in the deleted voice message memory] for a period of time before permanently deleted (column 3, lines 31-38).

Regarding claim 6, Yaker teaches that the deleted voice message is retained [in the deleted voice message memory] for an interval of time before permanently deleted (column 3, lines 31-38).

Regarding claim 12, Yaker teaches that when a user deletes a message, the message is retained for a certain period of time (column 3, lines 31-38). Inherently, when a message is deleted and retained, it is stored in the memory assigned to deleted messages [deleted message memory].

Regarding claim 13, Yaker teaches that a deleted voice message can be retrieved (column 3, lines 32-38).

Regarding claim 15, Yaker teaches that the deleted voice message is only retained [in the deleted voice message memory] for a period of time before permanently deleted (column 3, lines 31-38).

Regarding claim 16, Yaker teaches that the deleted voice message is permanently deleted based on a predetermined condition (column 3, lines 31-38).

Regarding claim 17, Yaker teaches that the deleted voice message is retained [in the deleted voice message memory] for an interval of time before permanently deleted (column 3, lines 31-38).

Regarding claim 18, Yaker teaches that the deleted voice message is only retained [in the deleted voice message memory] for a period of time before permanently deleted (column 3, lines 31-38).

Regarding claim 22, Yaker discloses a voice mail messaging system 100 in figure 1. The voice messaging system has a memory 108. Yaker teaches that when a user deletes a message, the message is retained for a certain period of time (column 3, lines 31-38). Inherently, when a message is deleted and retained, it is stored in the memory assigned to deleted messages, or deleted message memory. Yaker further teaches means for retrieving a deleted voice message (column 3, lines 32-38).

Regarding claim 24, Yaker teaches means for permanently deleting a voice message from the deleted voice message memory after a predetermined period of time (column 3, lines 31-38).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Yaker in view of Howard et al. US Patent 6,185,574.

Yaker teaches automatically delete a deleted voice message in a period of time, but fail to teach deleting the deleted voice message via input from a keypad. However, Howard discloses a virtual backup directory system, which stores deleted files in a personal computer (column 15, lines 55-65), and the deleted files can further be permanently deleted from the backup directory by issuing a delete command (column 15, line 67 to column 16, line 3). The delete command inherently is from the keypad. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yaker reference with the teaching of Howard so that a deleted voice message would have been permanently deleted via input from a keypad, because such modification would have enabled a user to permanently delete the deleted voice message at any time in order to free up memory space for a newly arrived message.

5. Claims 7, 8, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Yaker in view of Garson et al. US Patent 5,689,550.

Yaker teaches automatically delete a deleted voice message in a period of time, but fail to teach deleting the deleted voice message when the deleted voice messages reaches a predetermined number. However, Garson teaches that when deleted voice

Art Unit: 2645

message in a "delete queue" reaches its number limit (column 16, lines 27-32), the oldest file is deleted (column 16, lines 23-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yaker reference with the teaching of Garson so that a deleted voice message would have been permanently deleted when the deleted voice messages reaches a predetermined number, because such modification would have enabled the system to automatically maintain free memory space for a newly arrived message.

6. Claims 9, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Yaker in view of Raji et al. US Patent 5,761,529.

Yaker teaches automatically delete a deleted voice message in a period of time, but fail to teach deleting the deleted voice messages when the deleted voice message memory reaches a predetermined percentage usage. However, Raji teaches that when the storage area for digitized voice files (column 9, lines 50-54) reaches 95% full, the oldest file is deleted (column 30, lines 30-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yaker reference with the teaching of Raji so that a deleted voice message would have been permanently deleted when the deleted voice memory reaches a predetermined percentage usage, because such modification would have enabled the system to automatically maintain free memory space for a newly arrived message.

7. Claims 10, 11, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Yaker in view of Yamagata US Patent 6,263,106.

Yaker teaches that voice messages are stored in memory 108 in a compressed digital format (column 2, lines 31-33), but fails to teach that the deleted voice message is compressed more than the voice message before deletion. However, Yamagata teaches that a user can either delete or compress data already stored in memory to make room for new data (column 1, lines 39-43), and if the data already have been compressed, the compressed data can be further compressed, and thus the storing capability is increased (column 2, lines 21-31). Inherently, a higher compressing ratio has a lower bit rate. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yaker reference with the teaching of Yamagata so that a deleted voice message would have been further compressed when it was deleted from the voice message memory and moved to the deleted voice memory, because such modification would have enabled the system to store more deleted messages in less memory space.

8. Claims 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Yaker in view of Knuth et al. US Patent 5,400,393.

Yaker teaches retrieving and playing a deleted voice message, but fails to teach retrieving a deleted voice message via inputting a predetermined code from a keypad. However, Knuth discloses a voice mail digital telephone answering device (DTAD) 10 in figure 1. Knuth teaches that mailboxes are dynamically allocated (column 2, lines 32-



33), and a message can be transferred from one mailbox to another (column 3, lines 40-41). Knuth further teaches that a message can be payback locally by entering the mailbox access code from the telephone keypad (figure 7, step 238 to step 228), or remotely by entering a predetermined code (column 11, lines 9-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yaker reference with the teaching of Knuth so that a deleted voice message would have been playback via inputting a code form a keypad, because such modification would have enabled a user to play a deleted voice message any time he desired.

9. Claims 1, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Knuth et al. US Patent 5,400,393 in view of Howard et al. US Patent 6,185,574.

Knuth discloses a voice mail digital telephone answering device (DTAD) 10 in figure 1. The digital telephone answering device has a controller 20, a voice message memory 24 (column 4, lines 44-45). Knuth teaches that mailboxes are dynamically allocated (column 2, lines 32-33). Knuth further teach transferring a message from one mailbox to another (column 3, lines 40-41). Knuth fails to teach allocating a memory area [deleted voice message memory] specifically for storing deleted voice messages. However, Howard teaches allocating a backup location for deleted files (column 15, lines 55-62), and retrieving the deleted files at a later date (column 15, lines 62-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2645

invention was made to modify Knuth reference so that a back up mailbox [deleted message memory] would have been allocated for storing deleted messages, because such a modification would have enabled a user to retrieve deleted messages at a later date, if the user had regretted deleting such messages.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



SS  
04/19/2002